

Minutes of a Regular Meeting

Town of Los Altos Hills PLANNING COMMISSION

Thursday, October 9, 2003, 7:00 p.m.
Council Chambers, 26379 Fremont Road

cc: Cassettes (1) #11-03

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The Planning Commission regular meeting was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Clow, Commissioners Mordo, Vitu, Cottrell & Kerns
Staff: Carl Cahill, Planning Director; Angelica Herrera, Assistant Planner; Lani Smith, Planning Secretary

2. PRESENTATIONS FROM THE FLOOR-none

3. PUBLIC HEARINGS

- 3.1 LANDS OF CINGULAR WIRELESS/LANDS OF LOS ALTOS HILLS
PUBLIC RIGHT-OF-WAY; Utility Pole on corner of Stonebrook Drive
between Oak Knoll Circle and Kate Drive (191-03-ZP-SD-CUP); A
request for a Site Development Permit and Conditional Use Permit for the
installation and operation of a Micro Cell box with two (2) antennas on an
existing 43'-8" utility pole. (staff-Angelica Herrera)

Staff had nothing further to add to the report.

OPENED PUBLIC HEARING

Mary Dykes, 12200 Kate Drive, was representing the Quarry Hills Homeowners Association. The Association held a meeting with all of the home owners and at that time it was unanimously decided that a cell site was needed for the Quarry area. Currently you cannot operate a cell phone in the Quarry which causes many residents to stop along Stonebrook Drive to complete a call. There is also safety issues in case of a natural disaster when power is cut off and phone services are down. She stated her husband went to all of the neighbors who could visually see the pole site and they signed a petition supporting the project. She urged the Commission to recommend approval for the installation and operation for this cell site.

CLOSED PUBLIC HEARING

Brief discussion ensued noting the entire neighborhood is in support of the project.

MOTION SECONDED AND PASSED: Motion by Commissioner Vitu and seconded by Commissioner Cottrell to forward the recommendation of approval for the requested Site Development Permit and Conditional Use Permit to the City Council, Lands of Cingular Wireless/Lands of Los Altos Hills with the recommended conditions of approval.

AYES: Chairman Clow, Commissioners Kerns, Cottrell, Vitu & Mordo
NOES: None

This item will appear on a future City Council agenda.

- 3.2 LANDS OF RULE, 24183 Hillview Road (160-03-ZP-VAR.); A request for a variance for an existing entry gate that exceeds the 5'6" fence height allowed for fencing that is at least 50 percent "open" and located at least 40' from the centerline of Hillview Road right of way. (staff-Angelica Herrera)

Continued to November 13, 2003 at the applicant's request.

- 3.3 LANDS OF KERNS, 11885 & 11888 Francemont Drive (165-03-MISC.); A request to vacate a public off-road path easement (not open for public use) and an offer to dedicate off-road pathway easements consistent with the Master Path Plan. (staff-Carl Cahill)

Commissioner Kerns stepped down from the hearing as he is the applicant for this project.

Staff introduced this item by reviewing the staff report and noting the receipt of a letter from Mid-Peninsula Regional Open Space District and copies of e-mail correspondence between the applicant and Chris Vargas, Chairman of the Pathway Committee. Also, the applicant has provided documents clarifying the location of the new easement, the existing easement, and the easement being removed. He further discussed the process involved to vacate pathway easements. The existing off-road pathway easement, which is proposed for vacation, is not consistent with the planned trail routes as shown on the Town's General Plan 1981 Master Path Plan. The applicant is proposing to dedicate off-road pathway easements that are consistent with the Master Path Plan. One easement offered for dedication will connect with an off-road pathway easement on adjacent private property (Wayman). The other easement covers an approximate 130' by 150' triangular shaped area at the southeast corner of the property that borders public open space. The Commission can forward comments to the City Council on the applicant's offer to dedicate additional pathway easements to the Town. However, the City Council shall decide whether or not to accept these easements.

OPEN PUBLIC HEARING

Bill Kerns, 11885 Francemont Drive, applicant, referred to his five (5) page memo providing the Commission with some background regarding the application to relocate the pathway easements on his property, and his meeting with both the Pathways Committee, as well as Mid-Peninsula Open Space District personnel. They have talked to some of the neighbors who are concerned with privacy issues. The biggest concern expressed was the traffic and parking problems if a trail head is put on Francemont Drive. He referred to the Rhus Ridge trail along Moody Road where there are always cars parked at the intersection, with most of the cars belonging to non-residents. He was very concerned that Francemont Drive would experience a similar situation if a trail head exists on that portion. They are also concerned with where this new connection is located as it was a compromise between several locations and where it ended is on very steep terrain (old landslide area). He felt it would be difficult to build even though they have agreed to do it. Although the 1981 Master Pathway Map shows a pathway easement over the existing portion of the private asphalt roadway, this map does not show that this pathway would connect to any other pathway, nor does the 1981 Map show any future connection arrows continuing uphill from the end of the existing pavement. To connect any path on the Kern's property to Open Space would require more than ¼ mile of newly constructed pathways through Wayman's conservation easement. The length of this pathway could easily exceed half a mile, once sufficient switchbacks are constructed to reduce the steepness of this not yet constructed path. Adding the extra "L" shape section (3-5 feet in width) is not consistent with the 1981 Master Pathway Map.

Commissioner Mordo understood the proposed pathway indicated in yellow but he questioned the small narrow easement which is indicated as being removed asking why this would need to remain. Mr. Kerns felt the Pathway Committee would like this to remain in case additional switchbacks would be needed although the new 20 foot wide easement should be adequate for any switchback requirements. Keeping the small, narrow strip would allow people to jump back onto his driveway and up the concrete driveway.

Ginger Summit, 13390 Lennox Way, Vice Chair, Pathway Committee, addressed two primary issues, one being keeping the triangular easement located at the top corner of the property which, she felt, was not an issue. Of concern was not eliminating the little 3-5 foot wide area. The Committee felt it was important to keep the "L" there, not that they would necessarily develop it tomorrow, but some time in the future it may be a very important access to Mid-Pen if they get a pathway into the Wayman property. The reason to maintain the 3 -5 foot wide easement that is already there is to have added insurance and to have a very good potential link in the future. Any traffic issues could be addressed when and if this path is built. She felt it was important to secure these easements to keep future options open.

Carol Gottlieb, 24290 Summerhill Avenue, stated when the Master Plan was passed, it was not passed with an exact location of each path. It was passed as a schematic design. At that time, Lands of Bellucci was all open space (recreation center) and the paths shown were the existing paths that the Town's people could use. She felt keeping the existing

small easement was a safety valve. It may not be used, and if it is not it can be re-dedicated back to the Kerns.

Bob Stutz, 25310 Elena Road, provided a history of the pathway easements.

Dot Schreiner, 14301 Saddle Mountain Drive, felt they were misled if they thought the 1981 Master Path Plan was the last word on the implementation of the pathway system. There are many arrows on the map that are useless at this particular time. There are many arrows that were never put on the Map. In 1981, Los Altos Hills looked very different. Just because there are no current routes does not mean anything. They would still like to get to open space from those particular areas. Do not rely on what the Master Pathway Plan shows.

Les Earnest, 12769 Dianne Drive, there are two existing easements from the Kerns property that give access to the upper open space lands. It may be possible to built a path on the lower easement but it is a landslide area and would probably be unstable. The only sure route that a path could be built from Francemont Drive into the upper open space is along the ridge. There is an existing easement there that goes very close to the house location but there is a potential route downhill from there where a path could be built, out of site from the house. Given that there are no current prospects for connection to the upper open space lands, he recommended retaining the existing easements but do not exercise them until there is another route into the open space lands. If no other route ever comes they would have leverage to negotiate a ridge route that would be out of site of the residence.

CLOSED PUBLIC HEARING

Commissioner Vitu supports the vacation of the easement at the driveway and she liked the triangular easement dedication at the upper portion of the property. She was concerned with the "L" shape easement as it relates to the non local uses of the area and parking by the trail head. She referred to the 1981 Master Path Plan. She recommended vacating the easement without adding the 3-5 foot portion since there are other accesses into the Mid-Pen open space area. Commissioner Mordo understood that there was an agreement between the applicant and the Pathway Committee to come up with a compromise and now it appears that the applicant is saying he does not really want it. He supports the added easement in exchange for the vacated easement. Commissioner Cottrell also thought there was an agreement with the Pathway Committee prior to this meeting. Now there does not seem to be one. The Pathway Committee would like to have this new "L" shape easement but they also want the old easement as well as keeping the small triangular easement. The Pathway Committee indicated if they do not need the 3-5 foot easement, they will give it back. He did not support this request. He supported the new 20 foot wide pathway easement and vacation of the small easement as proposed. Chairman Clow felt the Kerns made an agreement for an exchange between a couple of pathways which did not make any sense on very steep terrain. The triangle easement is a definite contribution and the "L" easement is more desirable. He was concerned with the concrete curb the Kerns have built

which is to be used by the fire department as it looks like a parking lot. He would not support the 3-5 foot wide easement but would support the "L" and the triangle easements.

MOTION SECONDED AND PASSED: Motion by Commissioner Cottrell and seconded by Commissioner Vitu to forward the request to the City Council finding the proposed pathway easement vacation request to be consistent with the General Plan Master Path Plan provided that the applicant dedicates the additional pathway easements as shown in the exhibits in the staff report, Lands of Kerns, 11885 & 11888 Francemont Drive.

AYES: Chairman Clow, Commissioners Mordo, Vitu & Cottrell
NOES: None
ABSTAIN: Commissioner Kerns

This item will appear on a future City Council agenda.

4. OLD BUSINESS

4.1 Report from subcommittees-none

5. NEW BUSINESS

5.1 Water Conservation discussion and review (staff-Carl Cahill)

A discussion meeting was held on October 8th with Chairman Clow and Commissioner Vitu present as well as the Planning Director. Chairman Clow noted that the Water District discussed an ordinance regarding water waste. He felt it dealt directly with people who have leaks in their pipes, or leave water running which is just flagrant water waste. The ordinance would provide a way for the Town to respond with the ultimate penalty of Water District shutting off their water which seemed manageable. He felt this was something to consider. The District also had some edits for the General Plan, bringing it up to date, and adding language regarding water conservation. However, there were potential changes that might have implications for the Town's ability to add housing, etc. He felt they should not make those changes. Tiered rate structure for high water users was discussed also.

The Planning Director felt Purissima Hills Water District had interpreted the joint Council and Commission meeting as being a mandate for the Commission to begin work on a landscape, water conservation ordinance. There were no minutes taken so he felt everyone had different recollections as to what exactly the Council wanted the Commission to study. After speaking with the City Manager, it was suggested putting this item back on the City Council agenda for some clarification as to what the Council wants the Commission to study.

Discussion ensued regarding the following: enforcement; regulating landscaping; calculating irrigation requirements and advise them in a drought what their water costs would be and ways to bring the cost down; looking at the percentage of irrigation which is drip versus spray; and possibly forming a sub-committee. It was agreed to pass it back to Council for more guidance.

5.2 Fences Ordinance-November 13, 2003 (staff-Angelica Herrera)

The fence ordinance will be returning for review.

6. REPORT FROM THE CITY COUNCIL MEETING

6.1 Planning Commission Representative for September 18th , Commissioner Kerns, reported on the following: New Town Hall status report; under grounding of utilities status report; Master Pathway Map status report; and Lands of Pinewood School.

6.2 Planning Commission Representative for October 2nd , Commissioner Mordo, reported on the following: Lands of Dubey; Lands of Dallas; results of operation hours survey; re-advertising of two vacancies for Parks and Recreation Committee; Bullis School Playing Fields; Los Altos Hills/Los Altos Little League proposal for two electronic scoreboards at the Purissima Little League Fields; and Presentations from the Floor comments.

6.3 Planning Commission Representative for October 16th—Commissioner Vitu

6.4 Planning Commission Representative for November 6th—Commissioner Clow

7. APPROVAL OF MINUTES

7.1 Approval of September 11, 2003 minutes

PASSED BY CONSENSUS: To approve the September 11, 2003 minutes.

8. REPORT FROM FAST TRACK MEETING- SEPTEMBER 30, OCTOBER 7, 2003

8.1 LANDS OF HANTTULA, 26787 Robleda Court (13-03-ZP-SD); A request for a Site Development Permit for a 2,536 square foot addition (maximum height 16 feet). Approved with conditions.

8.2 LANDS OF SCARAMPI, 25550 Moody Road (158-02-ZP-SD); A request for a Site Development Permit for a 4,679 square foot new residence (maximum height 26.9 feet). Approved with conditions.

9. REPORT FROM SITE DEVELOPMENT MEETING –SEPTEMBER 23 & 30, 2003
 - 9.1 LANDS OF SCHAEPE & CHIU, 24150 Hillview Road (121-03-ZP-SD); A request for a Site Development Permit for a cabana and a landscape screening plan. Approved with conditions.
 - 9.2 LANDS OF HUGHES, 27035 Old Trace Lane (136-03-ZP-SD); A request for a Site Development Permit for a landscape screening plan and hardscape improvements. Approved with conditions.
10. ADJOURNMENT

The meeting was adjourned by consensus at 7:53 p.m.

Respectfully submitted,

Lani Smith
Planning Secretary